

**Remarks**

Applicants respond to the Office Action dated June 5, 2009. Claims 1 and 5-8 are pending in the application. Claims 2-4 and 9-15 have been canceled, and claim 1 has been amended.

**Claim Rejection - 35 U.S.C. §103**

Claims 1-9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Park et al. (US 2003/0155216) in view of Mihara et al. (US 7,436,599). The Examiner acknowledges that Park et al. fails to disclose an image producing apparatus located in the first or second housing, and an optical arrangement that extends an optical path of the image producing apparatus from the first or second housing to the optical input located in the rotary member. The Examiner further acknowledges that Mihara et al. fails to disclose a telephone of a foldable type where the lens is located at the hinge of the telephone. Nevertheless, the Examiner contends that it would have been obvious to modify the portable radio terminal of Park et al. to have the image producing apparatus located in the first housing portion or the second housing portion and to have the optical arrangement to extend an optical path from the first or second housing to the optical input located in the rotary support member. The motivation to do so, according to the Examiner, would have been to allow inclusion of other optical elements such as a zoom lens while allowing the portable communication apparatus to have a reduced thickness.

Applicants respectfully traverse the rejection. Claim 1 has been amended to recite that the image producing apparatus is located in the first housing portion or the second housing portion of the portable communication apparatus, and that the rotary support member is movable in relation to the housing portion where the image producing apparatus is located. Claim 1 further recites that the optical arrangement comprises a light guide. Park et al. fails to teach or suggest a portable communication apparatus that includes an image producing apparatus is located in the first housing portion or the second housing portion of the portable communication apparatus, and a light guide that extends an optical path of the image producing apparatus from the first housing portion or the second housing portion to the optical input located in the rotary

support member, wherein the rotary support member is movable in relation to the housing portion where the image producing apparatus is located. In fact, Park et al. fails to disclose where the image producing apparatus is located. According to Park et al., the portable radio terminal includes a main body 10 and a folder 20. Side hinge arms 11 are formed as part of the main body and the central hinge arm 22 is installed on the folder 22, so that the folder 20 and the central hinge arm 22 rotate together. The camera lens assembly is located in the central hinge arm. The camera can operate when the folder 20 is in the closed position and the open position. There is no disclosure or suggestion whatsoever of locating an image producing apparatus in either the folder 20 or the main body 10.

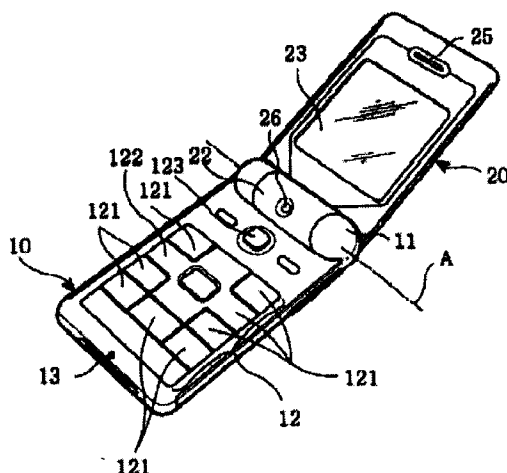


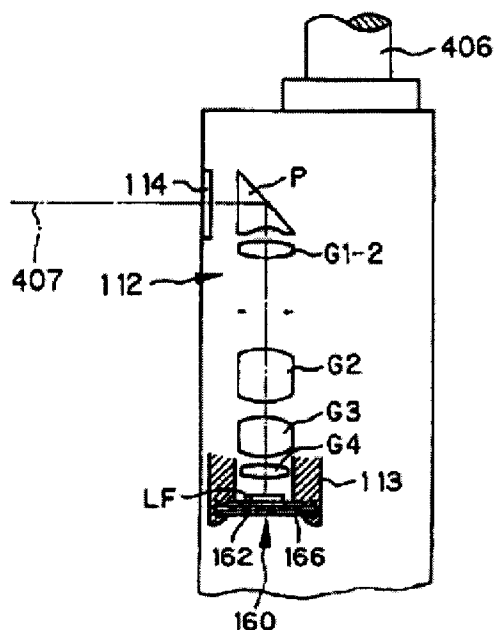
FIG.3

[Park et al.]

Mihara et al. discloses a non-foldable cell phone according to FIG. 35(c) that includes an optical arrangement that forms an optical path of the image producing apparatus from a particular location of the body of the cellular phone to a location along the length of the body of the cellular phone arranged with a fixed angle. It is disclosed that the optical path bending permits the inclusion of a zoom lens. Specifically, when zooming from the wide-angle end to the telephoto end of the zoom optical system, lens group G2 and lens group G3 move toward the object side of the zoom optical system.

**FIG. 35**

( c )



[Mihara et al.]

If one skilled in the art was motivated to reduce the size of the body of the portable radio terminal of Park et al., as suggested by the Examiner, the skilled person would not look to Mihara et al., since Mihara et al. discloses that additional extended space is needed in a portable device for the moving parts of a zoom lens. Alternatively, if one skilled in the art were motivated to include a zoom lens in the foldable radio terminal of Park et al., as suggested by the Examiner, the skilled person would not look to Mihara et al., which is directed to a non-folding device having a fixed bent optical path wherein all of the components of the optical system are located within one non-moving unit . Applicants respectfully submit that the motivation to modify Park et al. as proposed by the Office Action, e.g., is not supported by the evidence of record. Furthermore, even if one of ordinary skill in the art were to combine the teachings of Park et al. and Mihara et al., the result would not be the claimed portable communication apparatus. Therefore, the rejection of claim 1 and claims 5-8 dependent therefrom under 35 U.S.C. §103 should be withdrawn.

**Conclusion**

In view of the foregoing, it is believed that all of claims 1 and 5-8 are patentable over the applied references, and, accordingly, a request is made for timely issuance of a notice of allowance.

If there are any questions or if the Examiner feels that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is respectfully requested to telephone applicant's attorney at the number below.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

Date: September 30, 2009

By /Heidi A. Boehlefeld/  
Heidi A. Boehlefeld, Reg. No. 34,296

1621 Euclid Avenue  
Nineteenth Floor  
Cleveland, Ohio 44115  
PH: (216) 621-1113  
FAX: (216)621-6165

**CERTIFICATE OF MAILING OR FACSIMILE TRANSMISSION UNDER 37 CFR 1.8(a)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is \_\_\_\_\_ being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Commissioner for Patents address below.

  X   being transmitted via EFS or via facsimile to **(571) 273-8300 (Centralized Facsimile Number)** at the U.S. Patent and Trademark Office to the Attention of **Examiner Nelson D. Hernandez.**

/Denise G. Bachtel/  
Denise G. Bachtel

September 30, 2009  
Date